

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/582,332		KURITA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Huan H. Tran		2861	

  

**All Participants:**

(1) Huan H. Tran.

(2) Paul Fournier.

**Date of Interview:** 7 April 2010

**Type of Interview:**

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant    ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes    ☒ No

If Yes, provide a brief description: \_\_\_\_\_

**Part I.**

Rejection(s) discussed:

*None*

Claims discussed:

*None*

Prior art documents discussed:

*None*

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

**Part III.**

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Huan H. Tran/  
Primary Examiner, Art Unit 2861

**Status of Application:** in condition for allowance

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Time:** 11:30am

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:  
.Proposed a revised abstract by removing the first paragraph of the current abstract in order to limit it to one paragraph. See MPEP 608.01(b).

.Proposed an amendment to the specification to include a specific reference to a prior-filed international application. Since applicant includes a benefit claim in the Declaration filed on 04/02/2007 but not in the manner specified by 37 CFR 1.78(a) within the time period set forth in 37 CFR 1.78(a), the Office will not require a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) to correct the claim. Examination of the case reveals that the information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt. See Filing Receipt dated 10/17/2007. Moreover, see 35 U.S.C. 120 regarding benefit of earlier filing date in the United States in connection with 35 U.S.C. 363 and 35 U.S.C. 365(c) with respect to an international application designating the United States. As stated in 35 U.S.C. 120: "No application shall be entitled to the benefit of an earlier filed application under this section unless an amendment containing the specific reference to the earlier filed application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this section." See MPEP 201.11 for more details.

As noted in MPEP 201.11(III)(D): "Even if the Office has recognized a benefit claim by entering it into the Office's database and including it on applicant's filing receipt, the benefit claim is not a proper benefit claim under 35 U.S.C. 119(e) or 35 U.S.C. 120 and 37 CFR 1.78 unless the reference is included in an ADS or in the first sentence(s) of the specification and all other requirements are met."